S T A T E O F N E W Y O R K

7082

I N S E N A T E

April 27, 2012

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to creating the proper tire repair act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "proper tire repair act".

S 2. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

PROPER TIRE REPAIR ACT

SECTION 399-P. TITLE

399-Q. DEFINITIONS.

399-R. PROPER TIRE REPAIR.

S 399-P. TITLE. THIS ACT SHALL BE KNOWN AS THE "PROPER TIRE REPAIR ACT."

S 399-Q. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. THE TERM "TIRE" SHALL MEAN A TIRE FOR USE ON MOTOR VEHICLES THAT HAVE A GROSS VEHICLE WEIGHT RATING OF TEN THOUSAND POUNDS OR LESS.

2. THE TERM "MOTOR VEHICLE REPAIR SHOP" SHALL MEAN MOTOR VEHICLE REPAIR SHOP AS DEFINED BY SUBDIVISION TWO OF SECTION THREE HUNDRED NINETY-EIGHT-B OF THIS TITLE.

3. THE TERM "TIRE PATCH" SHALL MEAN A RUBBER COMPONENT USED TO SEAL DAMAGE TO THE INNER LINER OF A PASSENGER OR LIGHT TRUCK TIRE.

4. THE TERM "CURED RUBBER STEM" SHALL MEAN A RUBBER COMPONENT INSERTED IN A PASSENGER OR LIGHT TRUCK TIRE.

5. THE TERM "COMBINATION REPAIR UNIT" SHALL MEAN A SINGLE UNIT COMPRISED OF A TIRE PATCH AND A CURED RUBBER STEM TO REPAIR A PASSENGER OR LIGHT TRUCK TIRE.

S 399-R. PROPER TIRE REPAIR. 1. A TIRE REPAIR MAY NOT BE PERFORMED AND WILL BE DEEMED AN IMPROPER REPAIR IF PERFORMED BY A MOTOR VEHICLE REPAIR SHOP WHEN:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15143-02-2

(A) THE TIRE TREAD DEPTH IS EQUAL TO OR LESS THAN 2/32 INCH ON ANY AREA OF THE TREAD; OR
(B) THE DAMAGE IS TO A TIRE SIDEWALL; OR
(C) THE DAMAGE EXTENDS INTO THE TREAD SHOULDER/BELT EDGE AREA; OR
(D) THE DAMAGE EXCEEDS 1/4 INCH; OR
(E) THE TIRE HAS AN EXISTING IMPROPER REPAIR; OR
(F) THE REPAIR WILL OVERLAP AN EXISTING, PROPER REPAIR.

2. IF NONE OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION EXIST, A TIRE REPAIR CAN BE DEEMED TO BE A PROPER TIRE REPAIR IF A MOTOR VEHICLE SERVICE SHOP PERFORMS THE REPAIR AS FOLLOWS:
(A) DEMOUNT THE TIRE FROM THE RIM/WHEEL ASSEMBLY;
(B) INSPECT THE TIRE TO DETERMINE THE EXTENT OF DAMAGE ON THE INSIDE OF THE TIRE;
(C) CLEAN THE INNER LINER TO REMOVE ANY CONTAMINANTS INSIDE THE TIRE;
(D) REMOVE THE DAMAGED PORTIONS OF THE TIRE;
(E) BUFF THE INNER LINER TO CREATE A SMOOTH AND EVEN SURFACE; AND
(F) FILL THE INJURY WITH A CURED RUBBER STEM AND PROPERLY INSTALL A TIRE PATCH OR INSTALL A COMBINATION REPAIR UNIT.

3. CIVIL PENALTY. THE COMMISSIONER, OR ANY PERSON DEPUTIZED BY HIM OR HER, MAY, BY ORDER, REQUIRE A MOTOR VEHICLE REPAIR SHOP TO PAY TO THE PEOPLE OF THIS STATE A PENALTY OF FIVE HUNDRED DOLLARS FOR EACH IMPROPER TIRE REPAIR THAT WAS PERFORMED.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.